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Disclaimer

PATENT
Attorney Docket No.: EXT-026 (2457/23)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Lapidus et al.
SERIAL NUMBER: 09/545,162 GROUP NUMBER: 1634
FILING DATE: April 7, 2000 EXAMINER: Binsmann, J.C.
TITLE: Methods for Detecting Nucleic Acids Indicative of Cancer

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Terminal Disclaimer

I, John A. McCarthy, Jr., residing at 9 Francis Street, Dover, MA 02030, state that I am a representative authorized to sign on behalf of Exact Sciences Corporation, identified below as the assignee of the entire right, title and interest in and to the above-identified patent application, U.S. Serial No. 09/545,162. I have reviewed all the evidentiary documents accompanying or referred to in the instant Terminal Disclaimer and certify that, to the best of my knowledge and belief, title to the above-identified application is in the name of Exact Sciences Corporation.

Exact Sciences Corporation of 63 Great Road, Maynard, Massachusetts 01754 is the assignee of the entire right, title and interest in and to the above-identified application, U.S. Serial No. 09/545,162, by virtue of the Assignment recorded in the United States Patent and Trademark Office at Reel 010991, Frame 0831, on July 21, 2000, by the inventors in the above-identified application to Exact Sciences Corporation.

Exact Sciences Corporation hereby waives and disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the full statutory term (which may be longer than seventeen (17) years) of U.S. Patent No. 6,143,529, issued on November 7, 2000, and hereby agrees that any patent so granted on U.S. Serial 09/545,162 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,143,529, this agreement to run with any patent granted on U.S. Serial No. 09/545,162, and to be binding upon the Assignee, its successors or assigns.

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Exact Sciences Corporation does not disclaim any terminal part of the term of patent granted on the above-identified application U.S. Serial No. 09/545,162, prior to the expiration date of the full statutory term of U.S. Patent No. 6,143,529, in the event that any said patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a re-examination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, if any, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made in the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

EXACT SCIENCES CORPORATION

By: 

Name: John A. McCarthy, Jr.

Title: Executive Vice President, Chief Operating
Officer and Chief Financial Officer

Date: 8/5/02